

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

NOV 18 2019

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Rodrigo HERNANDEZ

YOB: 1990 Citizenship: United States

Case No. M-19-2812-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 17, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

18 USC Section 554

## Offense Description

Did knowingly and unlawfully export or attempt to export from the United States; any merchandise, article, or object, to wit: one (1) 38 Super pistol, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.Approved on 11/18/19 by AVSA  
Kristina Penabaz  
Kurt Behle  
Complainant's signatureRyan McTaggart Special Agent HSI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/19 - 8:44 a.m.  
Judge's signatureCity and state: McAllen, TexasJuan F. Alanis United States Magistrate Judge  
Printed name and title

Affidavit

On November 17, 2019, a vehicle Chevrolet sedan bearing Texas license plate (HYG3783) was encountered by Customs and Border Protection Officers (CBPOs) while traveling outbound from the United States into Mexico at the Anzaldua, Texas, Port of Entry. CBPOs received a negative declaration for firearms, narcotics, and currency in excess of \$10,000.00 USD from the driver and sole occupant of the vehicle, Rodrigo HERNANDEZ.

The vehicle was referred for an outbound inspection and during the inspection CBPOs located approximately four hundred (400) rounds of 7.62 x 39 caliber ammunition and one (1) 38 Super Pistol with magazines.

On November 17, 2019, HERNANDEZ, under rights advisement and waiver, stated HERNANDEZ purchased the firearm and the ammunition and placed them inside of the vehicle in order to smuggle the fire and ammunition to Mexico and HERNANDEZ stated HERNANDEZ knew it was illegal to smuggle firearms and ammunition into Mexico.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), a 38 Super Pistol is determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).